

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION

STASIA SCARVER  
ADC #714033

PLAINTIFF

v.

No. 1:18-cv-17-DPM

A. KITTRELL, Doctor, McPherson Unit

DEFENDANT

ORDER

1. Motion to amend, *No. 46*, denied. If Scarver believes she's being retaliated against, then she must raise that claim in a new lawsuit after exhausting any available administrative remedies.

2. After Magistrate Judge Deere filed her recommendation, Scarver submitted a belated response to Dr. Kittrell's motion for summary judgment. *No. 44*. The Court has considered that response in ruling on the recommendation.

3. On *de novo* review, the Court adopts the recommendation, *No. 43*, and overrules Scarver's objections, *No. 45*. Fed. R. Civ. P. 72(b)(3). Scarver's claims against Dr. Kittrell will be dismissed without prejudice for failure to exhaust.

So Ordered.

DP Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

13 August 2018